

Please amend claims 1, 8 and 12, under the provisions of 37 C.F.R. § 1.121(b) by deleting the bracketed material and inserting the underlined material as follows.

71 1. (Amended) [An] A nucleic acid having a nucleotide sequence consisting essentially of the sequence of SEQ ID NO [15] 29 and further characterized as consisting of guanine at nucleotide [821 141] 141 and 821 and cytosine at position 1933.

4. (Reiterated) An isolated nucleic acid having a DNA sequence complimentary to the nucleic acid sequence of Claim 1.

5. (Reiterated) An isolated nucleic acid sequence having a nucleotide sequence consisting of the sequence of SEQ ID NO 29.

72 8. (Amended) A nucleic acid comprising: [polynucleotides] a polynucleotide coding for the surface [proteins] protein HA and a polynucleotide coding for the surface protein NA, each of HA and NA of a selected wild type influenza virus; [polynucleotides] a polynucleotide coding for PB1[,]; a polynucleotide coding for PA; and a polynucleotide coding for M, each of PB1, PA and M of a selected cold-adapted influenza virus; and a polynucleotide coding for PB2 which consists of the sequence of SEQ ID NO 15[,]; the polynucleotides being operatively linked to each other.

73 12. (Amended) A vaccine comprising a reassortant virus, the virus further comprising: a polynucleotide coding for the surface [proteins] protein HA and a polynucleotide coding for the surface protein NA, each of HA and NA of a selected wild type influenza virus; [polynucleotides] a polynucleotide coding for PB1[,]; a polynucleotide coding for PA; and a polynucleotide coding

73  
for M, each PB1, PA and M of a selected cold-adapted influenza virus; and a polynucleotide coding for PB2 which consists of the sequence of SEQ ID NO 15[,]; the polynucleotides being operatively linked to each other and a pharmaceutical carrier.

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19. (Reiterated) A method for preventing influenza in a patient comprising introducing into the patient a prophylactically effective amount of the vaccine of Claim 12.

20. (Reiterated) A method for treating influenza in a patient comprising introducing into the patient a therapeutically effective amount of the vaccine of Claim 12.

22. (Reiterated) The polynucleotide of Claim 8, wherein the polynucleotide coding for M is either of SEQ ID NOS 5 or 7; the polynucleotide coding for PB1 is SEQ ID NO 13; and the polynucleotide coding for PA is SEQ ID NO 11.

23. (Reiterated) The vaccine of Claim 12, wherein the polynucleotide coding for M is either of SEQ ID NOS 5 or 7; the polynucleotide coding for PB1 is SEQ ID NO 13; and the polynucleotide coding for PA is SEQ ID NO 11.

Please add new claim 25.

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74  
25. (New) A nucleic acid having a nucleotide sequence consisting of the sequence of SEQ ID NO 15.

26. (New) A polynucleotide comprising the nucleic acid sequence of Claim 25.